GOV01: Delegation Policy

Policy Title	Delegation Policy	**Policy Number**	GOV01
Status	Endorsed	**Category**	Governance
Endorsement Date	29th September 2026	**Resolution**	14.01.09.26
Version	3		

Policy Statement

Under Section 40 of the *Local Government Act 2019*, a council may delegate its powers and functions. Those delegations may be made to:

- the CEO; or
- a council committee

It is **mandatory** for a council to impose conditions for the following four types of delegations:

- if power to incur financial liabilities is delegated – the council must, by resolution, fix reasonable limits on the delegate's authority
- If the power to enter a contract is delegated – the council must determine the threshold value
- The power to enter a non-arm's length transaction only where the transaction will provide a community benefit.
- The power to waive a fee for service may be delegated to the CEO if the waiver will provide a community benefit.

Please refer to Appendix A for a list of Council powers and functions that cannot be delegated.

A delegation cannot duplicate or derogate from the CEO's functions (including delegated functions). Delegations of council are made by council resolution and recorded in the Register of Council Delegations.

Legislative Reference

- Section 40 *Local Government Act 2019* (section 32 *Local Government Act 2008)*

Purpose of this document

To provide clear guidelines for the adoption, management, and revocation of delegations.

Principles

- In the absence of a formal delegation, no delegation exists.
- If a committee holds a delegation from the council, the delegation is held by the committee as a whole and not by any individual committee member.

- In exercising delegations', the delegated authority is required to comply with legislation, industrial awards, contracts or agreements and council approved policies, procedures, and code of conduct.
- Delegation is made to a position and not a person. A person appointed to that position or appointed to be acting temporarily is the delegate while they are in the position.
- Once power is delegated to the CEO, it is then a matter for the CEO to exercise their power to further delegate to other Council officers (unless further delegation is prohibited or limited by Council).

New or Amended Delegations

New, amended or removal of Delegations by Council can only be achieved by a resolution at a Council meeting.

Review of delegations

The Council may review the delegations at any time. In accordance with the General Regulations' requirements, the Council will review the delegations within six months of a general election.

Registers

In accordance with the General Regulations, the Council keeps the following registers:

- Register of delegations made by the Council
- The President to other Councillors
- Council to the Chief Executive Officer

The Register is divided into numerous sections, for each relevant Act and Regulation in respect of which the relevant power has been delegated. The Register will detail:

- the power or function that is delegated;
- conditions on the delegation;
- office holder or person the power or function is delegated to;
- the date the delegation starts;
- the date the delegation ends or if it has been revoked; and
- a reference to the council resolution or the written document of the President or CEO where the power was delegated.

The Register of Delegations made by the Council and the Register of Delegations made by the President will be published on the Council's website.

The Register of Delegations made by the CEO details the delegations made by CEO to Employees and Contractors, which include sections on general delegations and financial delegations.

Document Control

Policy Owner	BCGC
Endorsed by	BCGC
Date approved	24 Aug 2020
Revisions	30 May 2023, 29 Sept 2026
Amendments	
Next revision due	Sept 2029

Appendix A - Council powers and functions that cannot be delegated

Specific delegation	Section*
1. Operations outside council area	
Entering into a mutual agreement with another council to provide services in that other council's area	25(2)
Seeking approval from the Minister to provides services outside of the council's area	25(3)
2. Municipal, Regional and Shire Plans	
Adopting its municipal, regional or shire plan between 1 March and 30 June in each year	35(1)
Approving a draft municipal, regional or shire plan for public consultation	35(3)(a)
Considering the submissions made in response to the public consultation on the draft municipal, regional or shire plan and making any revisions to the draft council plan the council considers appropriate in the light of the submissions	35(3)(d)
Considering the Minister's advice on the services that the council should, as a priority, provide, when adopting and renewing its municipal, regional or shire plan	36(2)
3. Council as a body corporate	
Authorising or ratifying the affixing of the Council's common seal to a document	38(2)(a)
Determining the threshold value for a contract for which the power to enter the contract is to be delegated	40(6)
Reviewing any delegations of its functions and powers	41
4. Council members	
Adopting a policy for filling casual vacancies	54(3)
Appointing a person to fill a casual vacancy in the council that occurs less than 18 months but more than 6 months before the next general election	54(2)(a)
Appointing a person to fill a casual vacancy in the council that occurs 6 months or less before the next general election	54(2)(b)(i)
Leaving the office vacant for a casual vacancy in the council that occurs 6 months or less before the next general election	54(2)(b)(ii)
For Litchfield Council – deciding that the principal member has the title President	58(2)(b)
For regional or shire councils – deciding that the principal member has the title Mayor or President	58(3)
Appointing another member of the council to act in the principal member's position for a specified period or until the principal member resumes official duties if the principal member is absent and there is no deputy principal, or the deputy is not available to act in the principal member's position	59(3)
Changing the basis of filling the office of the principal member (that is, elected or appointed)	60(3)

**Local Government Act 2019*